

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

CHAPTER 7

BKY CASE NO. 03-47426-NCD

Donald J. Meier,

**NOTICE OF HEARING AND MOTION  
FOR TURNOVER OF PROPERTY**

Debtor(s).

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TO: THE UNITED STATES BANKRUPTCY COURT, THE UNITED STATES TRUSTEE, THE DEBTOR, AND THE DEBTOR'S ATTORNEY.

1. Julia A. Christians, Chapter 7 Trustee herein, moves the Court for the relief requested below and gives Notice of hearing herewith.

2. The Court will hold a hearing on this motion on September 29, 2004, at 10:30 a.m., in Courtroom No. 7, at U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415 or as soon thereafter as counsel can be heard. Under applicable rules, any objection must be in writing, be delivered to the Trustee and the United States Trustee, and be filed with the clerk, not later than September 24, 2004, which is three days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail not later than September 20, 2004, which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and holidays). **If no response is timely served and filed, the Court may grant the relief requested without a hearing.**

3. This Court has jurisdiction over this Motion under 28 U.S.C. §157 and §1334 and Bankruptcy Rule 5005. This Motion is filed under Local Rule 6072-1, this proceeding arises under 11 U.S.C. §542(a). Movant requests an order directing Debtor to turn over copies of his 2003 income and property tax returns and funds in the amount of any and all income and property tax refunds due at the time of the bankruptcy filing. The petition commencing this case as a Chapter 7 case was filed on October 22, 2003. This case is now pending in this Court.

4. The Trustee demanded turnover of the afore-said documents and property. However, Debtor has failed to respond. Therefore, the Trustee requests an order directing the Debtor to turn over the afore-said documents and property without further delay.

Dated: August 30, 2004

By /e/ Julia A. Christians  
Julia A. Christians, Trustee  
One Financial Plaza, #2500  
120 South Sixth Street  
Minneapolis, MN 55402  
612/ 338-5815

**VERIFICATION**

I, Julia A. Christians, named in the foregoing Notice of Hearing and Motion for Turnover of Property declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on August 30, 2004

/e/ Julia A. Christians  
Julia A. Christians

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:	)	Chapter 7
	)	BKY Case No. 03-47426-NCD
Donald Meier,	)	
	)	
Debtor(s)	)	
	)	

UNSWORN CERTIFICATE OF SERVICE

I, Sarah L. Fortin, declare under penalty of perjury that on August 30, 2004, I mailed a copy of the attached **Verified Notice of Hearing and Motion for Turnover of Property**, and **proposed Order** by mailing a true and correct copy to the addresses stated below for each entity:

Donald Meier  
PO Box 632  
Hopkins, MN 55343

U.S. Trustee  
1015 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

Robert L. Kalenda  
Kalenda & Associates  
919 W. St. Germain Street, Suite 2000  
St. Cloud, MN 56301

Executed on: August 30, 2004

/e/ Sarah L. Fortin  
Sarah L. Fortin, Legal Administrative Assistant  
Lapp, Libra, Thomson, Stoeber &  
Pusch, Chartered  
120 South Sixth Street, Suite 2500  
Minneapolis, MN 55402  
612/338-5815

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

CHAPTER 7

BKY CASE NO. 03-47426-NCD

Donald J. Meier,

**ORDER**

Debtor(s).

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This matter came on for hearing before the undersigned Bankruptcy Judge on the 29th day of September, 2004, at 10:30 a.m., on the Motion of Julia A. Christians, Chapter 7 Trustee, for turnover of property of the above-named debtor.

Upon the Motion of the Trustee, arguments of counsel, and the documents of record herein, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED:

That Debtor turn over to the Trustee within 7 days of the date of this order copies of his 2003 income and property tax returns and funds in the amount of any and all income and property tax refunds due at the time of the bankruptcy filing.

Dated: \_\_\_\_\_

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The Honorable Nancy C. Dreher  
United States Bankruptcy Judge